

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROMAN SELEZNEV,

Defendant

Case No.: CR 11-70 RAJ

RESPONSE TO GOVERNMENT'S
REQUEST FOR RULING ON
OBJECTIONS TO OPENING
STATEMENT SLIDES

I. INTRODUCTION

Defendant Roman Seleznev, by and through his attorneys John Henry Browne and Emma C. Scanlan, submits this Response to the Government's Request for Ruling on Objections to Opening Statement Slides. Dkt # 404. The government has provided the defense with 25 slides it wishes to use in its opening statement. Of the 25, the defense objects to the use of five of the proposed slides.¹

II. ARGUMENT

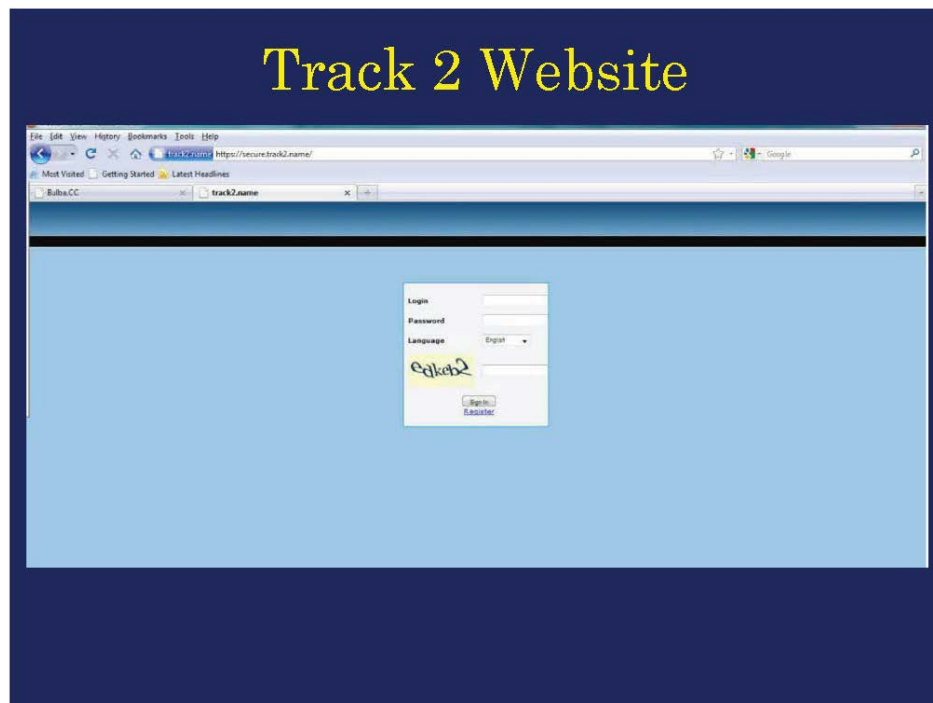
The defense is not contending that the government needs to actually lay the foundation for the proposed exhibits during its opening statement. However, the government should not be allowed to put potential trial exhibits before the jury during opening that it may not be able to lay an adequate foundation for during the trial. While it is true that the government bears

¹ The defense had a minor objection to the phrasing of one additional slide that is not raised by the government in its request for a ruling.

the risk of the exhibits not being admitted, it is Mr. Seleznev that will be prejudiced by the presentation of the exhibits to the jury should the government fail in its efforts to admit the exhibits during trial.

A. Snapshot of Bulba Website

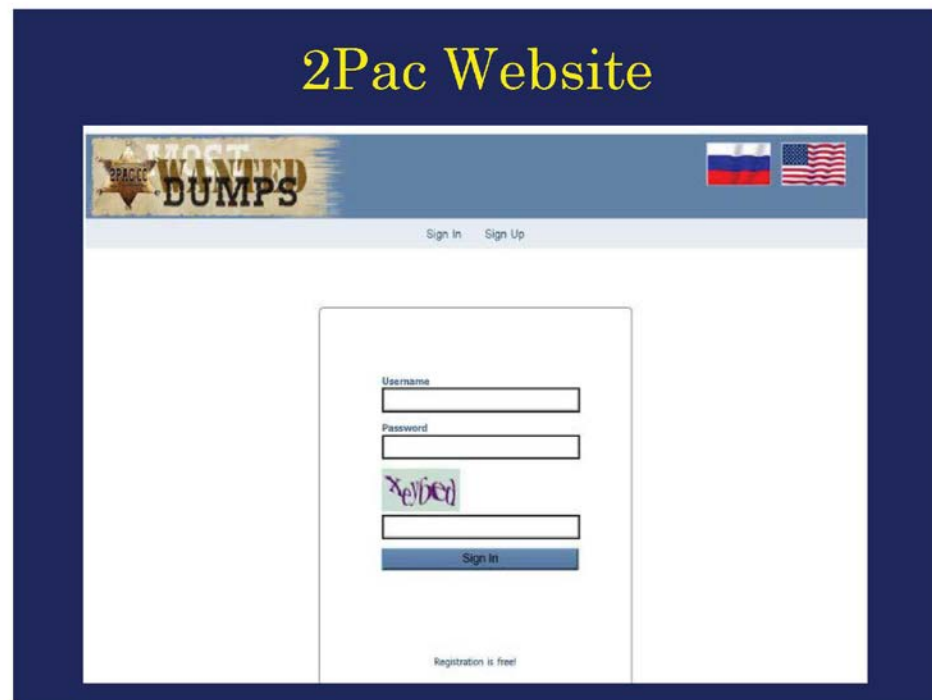
Several of the exhibits the government intends to show the jurors during its opening statement are log-in screens to various websites the government contends were operated by Mr. Seleznev. The defense has not objected to the screenshot exhibits that simply show a log-in screen.



Bulba Website



2Pac Website

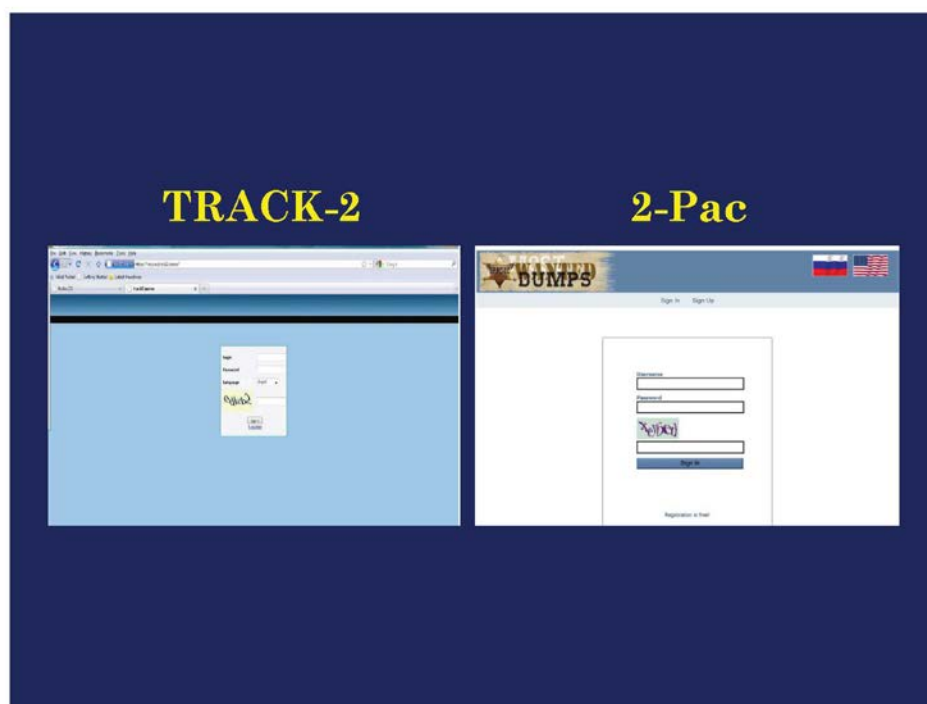


2Pac Website



TRACK-2

2-Pac



Those log-in screens do not contain hearsay and the government has made a sufficient showing that it can authenticate the screenshots through its agents. The Bulba Website screenshot to which the defense is objecting, however, contains dialogue in a box within the website screenshot.



The government may well introduce sufficient evidence at trial that Mr. Seleznev operated the bulba.cc website but it has not done so as of yet and the extra complication of the hearsay within the dialogue box further muddles things.

B. Material from Hop One Server

The defense has not objected to the two slides the government identifies as screen shots of images from the Hop One server

C. Material from Boooksafe and Rubensamvelich Email Accounts

These emails that were allegedly received by the owner of these two email accounts are offered for the truth of the matter asserted. They are offered to show that Roman Seleznev is the recipient of these emails and thus the owner of these email accounts.

Boookscafe@Yahoo.com

Subject: Order .607
From: "Internet-store Defencer" <sale@defencer.ru>
Date: 9/19/09, 7:12 PM
To: boookscafe@yahoo.com

Hello, Roman!

Thank you for placing your order in internet store **Defencer.ru**.

Your order number: 607

Contact information:

Receiver: Seleznev Roman
Payer: Seleznev Roman
Email: boookscafe@yahoo.com
Contact number: +79024835285

Order delivery address:
 Novoivanovskaya 6/4, apt. 49, Vladivostok, Primorsky territory 690003 Russia
Payer address:
 Novoivanovskaya 6/4, apt. 49, Vladivostok, Primorsky territory 690003 Russia
Comments/wishes:

Rubensamvelich@Yahoo.com

From: service@intl.paypal.com
To: [Roman Seleznev](#)
Subject: Welcome to PayPal
Date: Saturday, September 19, 2009 3:43:30 PM

Welcome Roman Seleznev,

Thank you for signing up with PayPal.

Add a credit card or prepayment card to your PayPal account. In the future when you make purchases online, all you need to do is enter your email address and PayPal password.

Link a card

Your information as it appears in our system. Make sure it is correct.

EMAIL ADDRESS
 rubensamvelich@yahoo.com
 CONFIRMATION CODE
 0249-7675-8636-5196-6492
 (Save this code as PayPal may request it as confirmation of your email address.)

ADDRESS
 Ostryakova 26 kv 113
 Vladivostok, Primorye
 690003

1 The statements within these emails are hearsay and the government has not yet shown that it
2 can lay an adequate foundation for their admission.

3 **D. 2Pac Advertising**

4 Based on the information provided in the government's pleading, the defense
5 withdraws its objection to the 2Pac advertising exhibit.

6 **E. Chats on Laptop**

7 The government offers no basis for the introduction of the text written by an unknown
8 person that is part of the chat the government wishes to display during its opening statement.
9 This exhibit should be excluded.

10 **III. CONCLUSION**

11 For the reasons stated above, the defense respectfully requests that the Court prohibit
12 the government from using five of its proposed exhibits to be shown during its opening
13 statement.

14 DATED this 12th day of August, 2016.

15 Respectfully submitted,

16 s/ John Henry Browne

17 JOHN HENRY BROWNE, WSBA #4677

18 s/ Emma C. Scanlan

19 EMMA C. SCANLAN, WSBA #37835

20 LAW OFFICES OF JOHN HENRY BROWNE, PS

21 Attorneys for Roman Seleznev
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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all registered parties.

s/Emma C. Scanlan
Emma C. Scanlan, WSBA #37835